

IPO ISA

From: USCIS Immigrant Investor Program
Sent: Thursday, October 11, 2018 3:18 PM
To: IPO ISA
Subject: FOIA Request for COW2017001115 "Kushner I" FW: FOIA

From: USCIS Immigrant Investor Program
Sent: Tuesday, November 07, 2017 8:14 AM
To: [REDACTED]
Subject: FOIA (b)(6)

Kushnercompanies.com

From: [REDACTED] (b)(6)
Sent: Tuesday, March 01, 2016 12:45 PM
To: IPO RECORDS
Cc: USCIS Immigrant Investor Program
Subject: FW: EB-5 article

Can you please pull the file (ID1236250925) and deliver it to my office

[REDACTED] (b)(6)
Stakeholder Engagement Branch Chief
Immigrant Investor Program Office, USCIS/DHS
[REDACTED] (b)(6)
[Lync with me](#)
[Send me an email](#)

From: [REDACTED] (b)(6)
Sent: Tuesday, March 01, 2016 12:41 PM
To: [REDACTED] (b)(6)
Subject: RE: EB-5 article

<http://www.kushnercompanies.com/businesses/development/65-bay-street>

Hi [REDACTED] (b)(6)

(b)(4) (b)(4)
Kushner and Kabr Group are the developers. The address of the project is 65 Bay Street Jersey City, NJ 07302. Project is 50 story luxury apartment tower [REDACTED] 26 have been filed. About [REDACTED] are pending. The vast majority of the others were approved in 2015. The RC is US Immigration Fun NJ. ID ID1236250925. RC approved 05/29/2013 (I believe at CSC). As an aside, the attorney is [REDACTED] RC principal is Nicholas Mastrioni. Mastrioni owns several other RCs as well.
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comprised of Bergen County Essex County Hudson County Middlesex County Monmouth County Passaic County Union County and Morris County in the State of New Jersey.

The 2014 is on the ECN (attached). As to TEA, the EDD states: *Targeted Employment Area (TEA) Designation*

☒ Yes ☐ No Application includes TEA letter from the State of New Jersey Date of letter: 12/28/2012

There will be more detail in the letter. I would ask someone to pull the file and review the TEA letter, or have our PA contact suggest to the reporter that he file a FOIA request for the TEA letter.

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From: (b)(6)
Sent: Tuesday, March 01, 2016 11:53 AM
To: (b)(6)
Subject: RE: EB-5 article

I can't find anything for 88 Kushner-KABR

Please check this response for TEA designation (and let me know if there is an EB-5 entity by that name...)

The statute at INA 203(b)(5) governs the definition of "TEA" and the allocation of immigrant visas for investors who invest in a TEA. USCIS has no authority to remove a statutory requirement. Consistent with the regulations, USCIS defers to state determinations of the appropriate boundaries of a geographic or political subdivision that constitutes the targeted employment area. However, for all TEA designations, USCIS must still ensure compliance with the statutory requirement that the proposed area designated by the state in fact has an unemployment rate of at least 150 percent of the national average rate. For this purpose, USCIS will review state determinations of the unemployment rate and, in doing so, USCIS can assess the method or methods by which the state authority obtained the unemployment statistics. Acceptable data sources for purposes of calculating unemployment include U.S. Census Bureau data (including data from the American Community Survey) and data from the Bureau of Labor Statistics (including data from the Local Area Unemployment Statistics).

We suggest pointing the reporter to the New Jersey Department of Labor and Workforce Development, Office of Labor Planning and Analysis for the list of state-designated TEAs.

(b)(6)
Stakeholder Engagement Branch Chief
Immigrant Investor Program Office, USCIS/DHS
📞 (b)(6)
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From: [redacted] (b)(6)
Sent: Monday, February 29, 2016 3:32 PM
To: [redacted] (b)(6)
Cc: [redacted]
Subject: FW: EB-5 article

Good Afternoon [redacted] (b)(6)

A reporter from [redacted] asked if we might be able to walk him through the "...TEA determination for 88 Kushner-KABR in Jersey City?" That is, I had provided him the description of the process from the 2013 policy memorandum, but New Jersey's Department of Labor and Workforce Development referred him to us as he is apparently looking to learn about our assessment of the state's determination.

Perhaps there is some general description of our process that we could provide to add some context (or a simple factual response that does not require FOIA)? We do not currently have standard language for TEA assessments in our public affairs guidance document and would appreciate anything you may be able to provide over the next day.

Sincerely,

[redacted] (b)(6)

[redacted] (b)(6)
Acting Chief, Media Division
Office of Communications
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: [redacted] (b)(6)
Sent: Monday, February 29, 2016 2:54 PM
To: [redacted] (b)(6)
Subject: Re: EB-5 article

Thank you, [redacted] (b)(6). I'll submit the FOIA later today.

From what I see here, it seems as if USCIS is responsible for reviewing and assessing the state's determination, correct? If that's right, is it possible for you all to walk me through the TEA determination for 88 Kushner-KABR in Jersey City?

I will also check back with New Jersey, but they essentially told me the same thing that's in the regulation (that USCIS has final approval over a TEA determination).

Thanks for looking into this.

Best,

[redacted] (b)(6) (b)(6)

On Mon, Feb 29, 2016 at 2:43 PM, [redacted] wrote:

Good Afternoon  (b)(6)

There is the expedited FOIA process (page 5: <https://www.uscis.gov/sites/default/files/files/form/g-639instr.pdf>), but that as you know can still be lengthy; otherwise, there is no other method to expedite.

On the TEA question, from our website, following is the pertinent section of our 2013 Policy Memo about which I was thinking (<https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/May/EB-5%20Adjudications%20PM%20%28Approved%20as%20final%205-30-13%29.pdf>) :

A State's Designation of a Targeted Employment Area

The regulation provides that a state government may designate a geographic or political subdivision within its boundaries as a targeted employment area based on high unemployment. Before the state may make such a designation, an official of the state must notify USCIS of the agency, board, or other appropriate governmental body of the state that will be delegated the authority to certify that the geographic or political subdivision is a high unemployment area. The state may then send a letter from the authorized body of the state certifying that the geographic or political subdivision of the metropolitan statistical area or of the city or town with a population of 20,000 or more in which the enterprise is principally doing business has been designated a high unemployment area. 8 C.F.R. § 204.6(i).

Consistent with the regulations, USCIS defers to state determinations of the appropriate boundaries of a geographic or political subdivision that constitutes the targeted employment area. However, for all TEA designations, USCIS must still ensure compliance with the statutory requirement that the proposed area designated by the state in fact has an unemployment rate of at least 150 percent of the national average rate. For this purpose, USCIS will review state determinations of the unemployment rate and, in doing so, USCIS can assess the method or methods by which the state authority obtained the unemployment statistics. Acceptable data sources for purposes of calculating unemployment include U.S. Census Bureau data (including data from the American Community Survey) and data from the Bureau of Labor Statistics (including data from the Local Area Unemployment Statistics).

Does that help or have I misunderstood the question (of course entirely possible)? Please let me know and I'll resolve that, if so.

Sincerely,



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[Redacted]

(b)(6)

Acting Chief, Media Division

Office of Communications

U.S. Citizenship and Immigration Services

Department of Homeland Security

[Redacted]

(b)(6)

From: [Redacted]

(b)(6)

Sent: Monday, February 29, 2016 2:05 PM

To: [Redacted]

(b)(6)

Subject: Re: EB-5 article

(b)(6)

Thank you, [Redacted] I can submit the FOIA, but is there any way to expedite the process and pass along the information in the next few days? I only ask because I've had DHS FOIAs drag on for quite some time in the past (I received a call from ICE today about a 2013 request, oddly enough).

As for the TEA, the NJ Department of Labor and Workforce Development told me this morning that their designation is only a recommendation, and that USCIS makes the final decision. Are you certain the state makes the designation for the project? If so, perhaps you can point me to a resource on the USCIS website explaining that.

Many thanks,

[Redacted]

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On Mon, Feb 29, 2016 at 1:43 PM [Redacted] wrote:

Good Afternoon [Redacted] (b)(6)

Thank you for the note. The I-526 and I-924A forms require a FOIA request. More information from USCIS' FOIA office is available here: <https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/uscis-freedom-information-act-and-privacy-act> and, for reference, the following link is to USCIS' electronic reading room: <https://www.uscis.gov/about-us/electronic-reading-room>.

With respect to the Targeted Employment Area (TEA), have you contacted the state? I ask, because each state has the authority to set the geographic boundaries of its TEA designation and a state office should be able to assist. A quick search seems to show that NJ Department of Labor and Workforce Development is the lead: <https://lwd.state.nj.us/labor/lpa/employ/uirate/targetarea.pdf>.

If you have additional questions, please let me know.

Thank you again and
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U.S. Citizenship and Immigration Services

Department of Homeland Security

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Hi  (b)(6)

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If you have any questions, you can reach me at [REDACTED] I'll be reporting today and tomorrow.

Best,

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On Mon, Feb 29, 2016 at 8:33 AM, [REDACTED] wrote:

Thanks!

(b)(6)

On Mon, Feb 29, 2016 at 8:30 AM, [REDACTED] wrote:

Hey [REDACTED]—I'm adding Joe who can look into this for you.

(b)(6)

From: [REDACTED] (b)(6)
Sent: Monday, February 29, 2016 7:51 AM
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I'm looking for information related to a specific property receiving EB-5 funding, 88 Kushner-KABR in Jersey City. I would also like some general information about the program if it's available, such as the demographics of applicants over the last decade (country of origin and any other available demographic data).

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Stakeholder Engagement Branch Chief

Immigrant Investor Program Office, USCIS/DHS



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Send me an email

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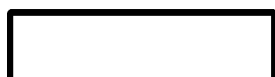
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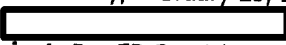
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